

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD DAVIS,

Plaintiff,

Case no. 09-12142

HON. JOHN CORBETT O'MEARA

v.

CHRISTOPHER ZYCH, Warden,  
WILLIAM MALATINSKY, Medical  
Director of FCI Milan, FEDERAL  
BUREAU OF PRISONS,

Defendants.  
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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge Mark A. Randon's report and recommendation, filed May 14, 2010, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the report and recommendation is ADOPTED in its entirety.

IT IS FURTHER ORDERED that defendants' motion to dismiss and, alternatively, Dr. Zych's motion for summary judgment is GRANTED, and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara

United States District Judge

Date: July 21, 2010

I hereby certify that on July 21, 2010, a copy of this order was served upon counsel of record using the ECF system, and upon Richard Davis at FCI - Englewood at 9595 W. Quincy Ave., Littleton, CO 80123 by first-class mail.

s/William Barkholz

Case Manager